

Date of Decision: 11th September 1995

SPECIAL CIVIL APPLICATION NO. 6933 of 1990

FOR APPROVAL AND SIGNATURE

THE HONOURABLE MR. JUSTICE A.N. DIVECHA

1. Whether Reporters of Local Papers may be allowed to see the judgment? No
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of judgment? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

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Shri Jivanlal M. Patel, Advocate, for the Petitioner  
Shri K.C. Shah, Asst. Govt. Pleader, for Respondents Nos. 1 & 2  
Shri Harin P. Raval, Advocate, for Respondent No.3  
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CORAM: A.N. DIVECHA, J.  
(Date: 11th September 1995)

ORAL JUDGMENT

The order passed by the Civil Judge (J.D.) at Sidhpur as the Election Tribunal on 23rd June 1989 below the application at Ex. 25 in Election Petition No. 71 of 1989 is under challenge in this petition under Art.. 227 of the Constitution of India. By his impugned order, the Election Tribunal rejected the petitioner's election petition on the ground that it furnished no cause of action.

2. It is not necessary to set out in detail the facts giving rise to this petition. It may be sufficient to note that

the petitioner challenged the uncontested election of respondent No.3 as the Sarpanch of the Gram Panchayat of Mudana on the ground that the petitioner's nomination was wrongfully withdrawn at the instance of someone else. I am told at the Bar that fresh elections to the concerned panchayat have been held and the new Sarpanch has been elected. In that view of the matter, no useful purpose will be served by examining the merits of this petition. It can be said to have become infructuous by passage of time. It deserves to be disposed of accordingly.

3. In the result, this petition fails on account of its having become infructuous by passage of time. It is therefore rejected. Rule is accordingly discharged with no order as to costs.

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